

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 10.05.02
SUBJECT: DOMESTIC VIOLENCE/DISPUTES INVOLVING LAW
ENFORCEMENT PERSONNEL
EFFECTIVE: OCTOBER 11, 2007
REVIEW: OCTOBER 2010, 2013, 2016, 2019, 2022

1. PURPOSE. To establish clear procedures, protocols and actions for investigating and reporting domestic violence involving employees of the Beaverton Police Department and law enforcement officers from other agencies, and thereby discourage and reduce acts of domestic violence by law enforcement personnel.

2. POLICY. Public confidence in law enforcement is paramount to our ability to maintain public safety. To that end, the public must trust that law enforcement employees are held to the standards of the law regarding domestic violence. The Beaverton Police Department has a policy of zero tolerance of incidents of employee perpetrated domestic violence. Therefore, the Beaverton Police Department will:

- A. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
- B. Give primary consideration to protection of the victim(s) of domestic violence and enforcement of the laws.
- C. Follow mandatory guidelines and give victims' rights notices as required by ORS 133.055.
- D. Respect the due process rights of all employees, according to applicable legal precedent and collective bargaining agreements.
- E. Expeditiously report and conduct thorough investigations into any allegation of a department employee involved in domestic violence.
- F. Train employees about domestic violence and avenues for assistance.

3. DEFINITIONS.

Domestic violence/assault as defined by Oregon Revised Statutes (ORS).

Domestic Dispute. An incident involving a domestic relationship as defined by Oregon Revised Statutes where there was no criminal action.

Sworn Employee. A sworn employee is any peace officer as defined by ORS.

Employee. This is any police department member employed by the City of Beaverton.

Members. All Beaverton Police Department employees and volunteers, including cadets, reserves, and police volunteers.

4. GENERAL PROCEDURES.

- A. Pre-Employment Screening. The Department will provide pre-employment screening procedures reasonably calculated to disclose whether an applicant for a position within the Police Department has a history of domestic violence or child abuse allegations or has been subject to a protective order.
- B. Information/Referral. In response to observed behavior or at the request of the employee, the Beaverton Police Department will provide information regarding domestic violence intervention programs. If domestic violence is suspected, referrals should be made to the Domestic Violence Resource Center and the Employee Assistance Program.
 - 1) The Department will provide information on this domestic violence policy to employees and make it available to employee families and the public.
- C. Personal Disclosure. An employee who discloses to another employee that they have personally engaged in criminal acts of domestic violence is not entitled to confidentiality, except as allowed by law. Such acts shall be investigated in separate administrative and/or criminal investigations as appropriate.
- D. Employee Reporting. Employees who are mandatory reporters that witness domestic violence or a domestic dispute involving a department member, shall provide information to the employing law enforcement agency via chain of command as soon as practical after the incident. Employees who are not mandatory reporters, but are victims of or witnesses to domestic violence are encouraged to report the incident.
- E. Point Of Contact. The Department will provide a point of contact to victims of domestic violence involving Beaverton Police Department employees to assist them through the investigation and prosecution process. If a Beaverton Police employee is involved, consideration should be given to selecting a point of contact at least one rank higher than the investigator.
- F. Victim Confidentiality Limitations. The Department will advise the victim of the limitations of victim identification and victim information confidentiality and the

potential for public disclosure of records and/or criminal discovery process as well as any applicable records release statutes and policies.

- G. Victim Safety/Referrals. The Police Department will assist employees who are known by the agency to be victims of domestic violence. A point of contact will be provided to review safety concerns and provide domestic violence victim services information.
- H. Investigations. The Department will provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by an employee. Administrative and/or criminal investigations may be conducted by the Beaverton Police Department or through agreements with other law enforcement agencies.

5. **EMPLOYEE ACTIONS:** The following actions are the responsibility of all employees in domestic violence related incidents:

- A. Employee Assistance. Employees are entitled to seek assistance through the employee assistance program, chaplains or psychological professionals.
- B. Reporting Requirement. Employees with knowledge or information about any employee in violation of this policy must report in writing to their supervisor as soon as possible. Failure to report may subject the employee to disciplinary action. When a law enforcement agency responds to a call in which an employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must report that police response to his or her supervisor, as soon as practical. When an employee becomes the subject of an investigation for child abuse or neglect, or becomes the subject of a protective order, the employee must report that fact to his or her supervisor, as soon as practical. Employees subject to criminal investigation and/or civil, protective or restraining order processes are required to provide their supervisors notice of court dates, times, appearances and proceedings in a timely manner.

Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report.

- C. Duty To Cooperate. Employees are expected to fully cooperate with the investigation of allegations of domestic violence involving fellow employees, but only as ordered by a supervisor or court subpoena, with respect to due process rights, according to applicable legal precedent and collective bargaining agreements.

6. **GENERAL INCIDENT RESPONSE PROCEDURE:** Notification of any domestic violence involving any law enforcement officer requires a prompt response, full investigation, a

complete written report by our agency and prompt notification to the employing agency of any law enforcement officer suspected of a domestic violence offense.

- A. Command Notification. All known allegations of domestic violence by agency personnel require notification of the Chief of Police, via chain of command.
- B. Outside Agency Notification. Incidents of domestic violence by other agency sworn employees require notification to the agency head of the employing agency. In the event of a report of domestic violence alleged to have been committed by the agency head, prompt notification will be made to the employing entity's chief executive officer.

7. SPECIFIC INCIDENT RESPONSE:

- A. Patrol Response. The following guidelines shall be adhered to when responding to calls of domestic violence involving a known law enforcement employee:
 - 1) A patrol officer responding to an incident described as domestic violence involving a law enforcement employee will request a supervisory response to the scene.
 - 2) The primary unit will conduct a thorough investigation unless it involves a member of this agency, in which case a request will be made to an outside law enforcement agency to conduct the investigation.
 - 3) An arrest of the primary aggressor shall be made in accordance with Oregon Revised Statute and the probable cause standard.
 - 4) The primary officer will inquire if the victim requests any guns and/or weapons be removed for safekeeping. The officer shall accommodate removal and/or explain the process for seeking a court order for removal.
 - 5) The primary officer will ensure that all provisions of ORS 133.055 are applied. This includes providing the victim with a department issued victims' rights card.
 - 6) The primary unit shall complete a report as soon as possible, but prior to the end of the shift.
 - 7) Patrol officers responding to domestic related suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc., or other troubling events involving law enforcement employees will complete written reports on the incident, whether or not a crime occurred.

B. Patrol Supervisor Response. The following guidelines shall be adhered to when responding to calls of domestic violence involving law enforcement employees:

- 1) A patrol supervisor shall respond to the scene of any domestic violence incident involving a law enforcement employee being investigated by the Beaverton Police Department, regardless of the employing jurisdiction. The patrol supervisor will coordinate information and offer assistance to the agency of jurisdiction if outside the City of Beaverton.
 - a. If the domestic violence involves a member of the department, a supervisor from another law enforcement agency will be called. The outside agency will be asked to investigate the incident and take the appropriate action.
- 2) The patrol supervisor shall coordinate the investigation, applying appropriate resources, and ensure notification of the appropriate division lieutenant or command staff.
- 3) If a law enforcement officer from another agency is arrested, the patrol supervisor shall contact that jurisdiction as soon as possible, but at least prior to custody transport. Subject to that agency's policy, authorization shall be requested to seize that employee's duty weapon(s) and identification or arrange for the employing agency to do so. The appropriate division lieutenant or command will be notified of the arrest.
- 4) If a Beaverton Police Department member is arrested for a domestic violence incident, the patrol supervisor shall notify the appropriate division lieutenant or command, who will respond to that scene and act as the point of contact for the department.
- 5) The patrol supervisor shall ensure that a report is written on all incidents, whether deemed criminal or not, and that it is routed through the chain of command.
- 6) The patrol supervisor will ensure that a good faith effort is made to locate the suspect if there is probable cause for an arrest.
- 7) The patrol supervisor will ensure that the police process is explained to the victim; make all necessary referrals, including victim assistance programs and the process for obtaining a protective order if applicable.
- 8) The patrol supervisor will advise the victim of the potential for public disclosure of records and/or criminal discovery process, as well as any applicable records release statutes and policies.

- 9) The patrol supervisor will provide the victim with agency contact information, acting as the agency point of contact until other assignment is made.

C. Division Lieutenant/Command Response. The following guidelines shall be adhered to when responding to calls of domestic violence involving a sworn law enforcement employee:

- 1) The appropriate division lieutenant or command shall respond to the scene of any Beaverton Police Department employee arrested for domestic violence.
- 2) The appropriate division lieutenant or command will contact the Beaverton Police Chief, who will order the temporary surrender of agency issued weapons and identification. This temporary order shall be documented in the incident report. Consideration should be given to other agency equipment and inquiries made about the voluntary surrender of personal weapons that may be secured for safekeeping.
- 3) The Chief of Police, or his designee, will issue a written administrative order prohibiting any on-duty contact with the victim by the arrested employee, regardless of rank if appropriate.
- 4) If a sworn law enforcement employee from another agency is arrested for domestic violence, the Division lieutenant or command will facilitate the notification of the Beaverton Police Chief.

8. **ADMINISTRATIVE PROCESS.** The Beaverton Police Department will observe all appropriate policies and procedures applicable to the investigation of alleged employee conduct whether it involves a department or City policy or Oregon Revised Statutes. The Beaverton Police Department will respect the rights of the accused employee under applicable collective bargaining agreements and case law.

- A. Internal Investigations. Investigations will be conducted by the Beaverton Police Department or by another law enforcement agency upon direction of the Chief of Police.
- B. Criminal Investigation. Where sufficient information exists to believe a criminal violation occurred, the Beaverton Police Department will make appropriate restrictions to assignments, law enforcement powers, building and records access, and will consider administrative reassignment and/or administrative leave. In determining the proper course of administrative action, the agency may consider consulting with treatment professionals and reviewing such factors as the employee's past conduct and history of complying with agency rules.

- C. Duty Assessment. Beaverton Police Department employees may be ordered to undergo a duty assessment by a domestic violence treatment provider upon completion of an internal/criminal investigation depending on the circumstances, and in accordance with administrative policy and applicable collective bargaining agreements and City of Beaverton policies.

Chief of Police

Date